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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KARL-HEINZ WENDT

Appeal 2008-2494
Application 10/724,574
Technology Center 1700

Decided: June 24, 2008

Before LINDA M. GAUDETTE, MICHAEL P. COLAIANNI, and
JEFFREY B. ROBERTSON, *Administrative Patent Judges*.

ROBERTSON, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134(a) (2002) from the
Examiner's final rejection of claims 1, 3, 5, 8, 10-12, 16, 17, 19-25, and 27.¹

¹ Claims 2, 4, 6, 7, 9, 13-15, 18, and 26 have been cancelled. (Reply Brief
filed Aug. 27, 2007, hereinafter "Reply Br.," 2).

(Examiner's Answer entered Aug. 16, 2007, hereinafter "Ans.," 3). We have jurisdiction pursuant to 35 U.S.C. § 6(b) (2002).

We AFFIRM.

THE INVENTION

Appellant's claimed invention is directed to a method for manufacturing a glass body by applying a coating to a glass surface. (Spec. 1 and 2). The method includes cleaning and/or coating at least a partial area of the glass surface with a primer/cleaner. (Spec. 4). The glass surface is partially covered with a masking film. (Spec. 6). The coating, which is applied to at least a partial area of the glass surface, is an isocyanate-curing two-component polyacrylate lacquer comprising mineral particles having an average diameter of 2 to 30 μm and a solvent. (Spec. 5 and 6, original claim 9). The amount of solvent in the polyacrylate lacquer is 20 to 80% w/w. (Spec. 5). The masking film is removed and the coating is cured to form a partially or completely cured coating having a layer thickness of 10 to 50 μm . (Spec. 4 and 5).

Claims 1 and 17, reproduced below, are representative of the subject matter on appeal.

1. A method for manufacturing a glass body having a glass surface and a coating applied thereto, characterized in that the method comprises the following steps:
 - Cleaning and/or coating at least a partial area of the glass surface with a primer/cleaner;
 - Partially covering the glass surface with a masking film;
 - Applying an isocyanate-curing polyacrylate lacquer comprising mineral particles having an average diameter of 2 to 30 μm and a solvent to at least a partial area of the glass surface, wherein the polyacrylate lacquer is a 2-component

lacquer obtainable from at least one polyacrylate binder containing mineral particles and at least one isocyanate hardener having two or more reactive isocyanate groups per molecule, which are optionally protected isocyanate groups, and the solvent share in the polyacrylate lacquer is 20 to 80% w/w prior to application;

- Removing the masking film; and
- Curing the coating to form a partially or completely cured coating having a layer thickness of 10 to 50 μm .

17. A method according to claim 1, characterized in that the method additionally involves the step of removing the applied coating without damaging the glass surface using a halogen hydrocarbon-containing stripper.

THE REJECTIONS

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Ellenson	2,969,328	Jan. 24, 1961
Calahorra et al.	EP 0428937 A1	May 29, 1991
Okamoto et al.	EP 665252 A2	Aug. 2, 1995
Kirk-Othmer Encyclopedia of Chemical Technology, Fourth Edition, 1995, Volume 14, pages 498-499 ²		

There are two separate grounds of rejection under 35 U.S.C. § 103(a) at issue, both presented as new grounds in the Examiner's Answer. (Ans. 3).

First claims 1, 3, 5, 8, 10-12, 16, 19-25, and 27 stands rejected as unpatentable over the combined teachings of Okamoto, Calahorra, and Kirk-Othmer. (Ans. 4).

Second, claim 17 stands rejected as unpatentable over Okamoto, Calahorra, Kirk-Othmer, and further in view of Ellenson. (Ans. 6).

² Hereinafter referred to as "Kirk-Othmer."

Regarding claims 1, 3, 5, 8, 20-23, 26, 19-25, and 27, the Examiner found that Okamoto teaches all the claims' limitations except for the use and removal of a masking film in the application process and the addition of mineral particles. (Ans. 4 and 5). The Examiner found that Kirk-Othmer teaches screen printing of coatings using a screen stencil, where the screen stencil serves as a mask over the glass to be coated and is removed after the application process is complete. (Ans. 5). The Examiner concluded that it would have been obvious to use the screen printing technique taught by Kirk-Othmer to apply the coatings of Okamoto because Kirk-Othmer teaches that such a technique is a conventional way of applying ink to a glass surface. (Ans. 5). The Examiner found that Calahorra teaches the addition of mineral particles to coatings in the sizes claimed by Appellant. (Ans. 5 and 6). The Examiner concluded that it would have been obvious to use reflective particles of 10-100 micron size in the coatings of Okamoto, because Calahorra teaches that such particles impart good reflective properties to a transparent coating. (Ans. 6).

Regarding claim 17, the Examiner found that Ellenson teaches that paints, resin and the like can be removed from glass with halogen containing solvents. (Ans. 6). The Examiner concluded that in view of Ellenson, it would have been obvious to remove the coatings of Okamoto in view of Calahorra and Kirk-Othmer using halogen containing solvents when removal of the coating is desired. (Ans. 6).

ISSUES

Based on the contentions of Appellant and the Examiner, the issue presented is: Has Appellant shown that the Examiner erred in rejecting the

appealed claims as being obvious to one of ordinary skill in the art over the cited prior art of record?

We answer this question in the negative.

FINDINGS OF FACT

The record supports the following findings of fact (FF) by a preponderance of the evidence.

1. Appellant's Specification states:

The masking film can be any commercially available film that can be completely removed from the pane again without a trace. (Spec. 6).

2. Appellant's Specification states:

The coating according to the invention is a cold coating that can be applied at 5°C to 35°C, in particular at room temperature, and need not be burned in or cured under an elevated temperature. Curing takes place chemically.

The coated glasses give the visual impression of etched glasses, since the applied coating shimmers in the light, and slightly refracts the light. By contrast, sandblasted panes create a matte impression. The glasses coated according to the invention are largely resistant to showing any signs of having been used; in particular, no fingernail scratches or fingerprints are left behind during use, as opposed to sandblasted or etched glasses. The glass surfaces coated according to the invention are additionally easy to clean and disinfect. (Spec. 3-4).

3. Appellant's Specification states:

In particular when using the coatings according to the invention in areas where the glass panes must be disinfected / sterilized, e.g., hospitals, it is advantageous to provide the coatings according to the invention with another layer consisting of a parent lacquer (without mineral particles) and hardener, e.g., in a ratio of 80 to 50 to 50 %w/w of additional lacquer layer.

Such a coating effectively prevents the viruses, bacteria, etc. from penetrating into the coating, and makes it possible to effectively disinfect/sterilize the glass surface, even with aggressive media. (Spec. 11).

4. Appellant's Specification states:

Polyacrylate lacquers in terms of the invention are acrylate binding agents cured with isocyanates. Strictly speaking, then, the cured polyacrylates involve polyurethanes. However, since they are based on resins of acrylic monomers, i.e., acrylic resins/acrylate resins, they are here referred to as polyacrylate lacquers. (Spec. 3).

5. Okamoto states:

We have engaged in concentrative studies to eliminate above defects, and now found that the above problems can be solved by a two-pack aqueous coating composition comprising a first pack component which is a water-dispersible acrylic copolymer containing specific alkoxy silane groups and a second pack component containing polyisocyanate, and completed the present invention. (p. 2, ll. 17-20).

6. Okamoto states:

The two-pack aqueous coating composition of the present invention can be applied, when it is used as a paint, onto various materials by such means as, for example, spraying, roller-coating, brushing, dipping or the like. (p. 10, ll. 6-8).

7. Okamoto states:

Gel fraction:

Each sample composition was applied onto glass sheets, and dried for a day and seven (7) days, respectively, at 30°C. The coating films separated from the glass sheets were placed in acetone which was maintained at reflux temperature and extracted 5 hours, to determine the residual ratios (%) of remaining insoluble paint film.

Tensile test:

Each sample composition was applied onto a glass sheet with a 200 μm applicator and dried for 30 days at 30°C to provide a 20 mm x 5 mm separated film. The film was drawn with a tensile tester to be determined of its tensile strength and elongation. (p. 12, ll. 46-57).

8. Okamoto states:

While it is possible to use the two-pack aqueous coating composition of the present invention as in the above-described forms, if necessary such additives as extenders, coloring pigments, metallic pigments, dyes, thickeners, curing catalyst, ultraviolet absorbers, antioxidants, anti-algae agents, antimolding agents, sterilizers, defoaming agents, etc. may be added to either the aqueous dispersion of acrylic copolymer (A) or the solution of polyisocyanate (B), or at the mixing time of the two. (p. 10, ll. 1-5).

9. Okamoto states:

Whereas, when the concentration exceeds about 70% by weight, there is a fear that the copolymer particles aggregate and settle, or the aqueous dispersion comes to have an increased viscosity and gel. The average particle diameter of dispersed copolymer in the aqueous dispersion is conveniently in the range of from about 0.01 to about 1 μm , in particular, from about 0.02 to about 0.6 μm . (p. 9, ll. 10-14).

10. Calahorra states:

The invention relates to coating compositions for the temporary application to agricultural structures, such as greenhouses and tunnels, in order to prevent inside such structures extreme temperatures, either during outside frost conditions or during outside heatwaves. (p. 2, ll. 1-3).

11. Calahorra states:

As matrix there can be used a wide variety of polymers and copolymers of the type generally used in coating technology. There may be used suitable alkyd resins, vinyl resins, epoxies,

polyurethane, acrylics, chlorinated rubber, polycarbonates, polyesters and copolymers of any of these. (p. 2, ll. 44-46).

12. Calahorra states:

The same treatment can also keep temperatures in greenhouses and tunnels, during hot and clear sky season, lower by at least 1-6°C, than temperatures measured under an untreated plastic sheet. The efficiency of the treatment defined the temperature difference measured under coated and under uncoated plastic sheets. This can be regulated by the concentration of the reflective pigment while adhesion of the coating to the plastic sheet can be adjusted to desired values by special ingredients, and thus duration of coating action can be predetermined. (p. 3, ll. 6-11).

13. Calahorra states:

Generally the compositions will contain one or more auxiliaries such as drying agents, antioxidants, dispersants, plasticizers and the like. Based on parts by weight, compositions of the invention contain typically from about 20 to 50 parts binder, 5 to 20 parts solvents, 0.5 to 3 parts additives, 2 to 15 parts plasticizer, and from about 2 to 20 parts reflective particles (pigments). The compositions can contain as further additive from about 1 to 20 parts of a suitable fine particle size carbonate such as Ca, Mg, Ba, Mg, Zn carbonate; magnesium oxide, barium sulfate, borax etc., or a mixture of any of these. These additives enhance heat retention inside the agricultural structures. (p. 2, l. 50 - 3, l. 1).

PRINCIPLES OF LAW

During prosecution, claims are given the broadest reasonable construction “in light of the specification as it would be interpreted by one of ordinary skill in the art.” *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004).

“Section 103 forbids issuance of a patent when the ‘differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.’ ” *KSR Int’l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1734 (2007).

ANALYSIS

In each of the two grounds of rejection, Appellant argues the claims together. Therefore, we confine our discussion to claims 1 and 17 respectively, pursuant to 37 C.F.R. § 41.37(c)(1)(vii) (2006). After careful consideration of both the Appellant’s and the Examiner’s arguments, we determine that Appellant has failed to show that the Examiner erred in rejecting the claims.

The rejection of claims 1, 3, 5, 8, 10-12, 16, 19-25, and 27 as being unpatentable over Okamoto in view of Calahorra and Kirk-Othmer.

First, Appellant challenges the Examiner’s combination of Okamoto and Calahorra. Appellant contends that Okamoto and Calahorra are too remote from one another to be combined, because Okamoto teaches permanent films on glass surfaces, whereas Calahorra teaches temporary films on plastic surfaces. (Reply Br. 5, 6, 16, and 17). We agree with the Examiner that the coatings of each of the references are related because both references are directed to coating transparent substrates. (Ans. 6 and 7). Specifically, Okamoto teaches that acrylic films are applied to various materials including glass substrates. (FF 5-7). Calahorra teaches that acrylic

films are applied to greenhouse structures. (FF 10 and 11). In addition, the references state that the length of time that the coating remains on the substrate and the identity of the substrate may be varied. (FF 6 and 12). Therefore, both references disclose coating transparent substrates using acrylic coating materials and, as a result, are not too remote to be combined.

Appellant also contends that the coatings of Okamoto and Calahorra have different properties than the claimed coatings. Appellant alleges that the present claims are directed to durable, non-removable films permanently adhered to glass. (Reply Br. 7, 8). Appellant argues that Okamoto's films although permanent, are removable and that Calahorra teaches temporary coatings, not permanent coatings. (Reply Br. 5 and 16). We do not find Appellant's argument persuasive. The alleged durability and permanence of the present coating are characteristics that do not appear in the claims. In addition, Calahorra teaches that the duration of the coating on the substrate can be adjusted, which does not exclude permanent coatings. (FF 12). Further, claim 17 of the present application recites that the coating is removed. This is contrary to Appellant's position that the permanence of the present coatings distinguishes them from the coatings of Okamoto and Calahorra.

Appellant argues that Kirk-Othmer teaches different methods than the presently claimed invention. Specifically, Appellant contends that in the present method, masking is used to guide the ink, whereas in screen printing, the screen itself is used to guide the ink. (Reply Br. 7).

The claimed method requires partially "covering" the glass surface with a masking film. Appellant's Specification does not specifically define "covering" as directly applying the film to the glass surface. Therefore,

“covering” retains its ordinary and plain meaning of to “conceal the impression of by a device for masking.”³ Thus, there is no requirement in the claim that the film is directly applied to the glass surface. In addition, the presence of a screen between the masking film and the glass surface is not excluded by the open nature of the “comprising” transitional phrase.⁴ Further, although Appellant’s Specification discusses masking films, it does not expressly define the term “film.” (FF 1). Therefore, “film” retains its ordinary and plain meaning of “a thin covering or coating or veil.”⁵ Based on this interpretation, we are in agreement with the Examiner’s position that the “screen stencil serves as a mask over the glass that is being coated, and will be removed after the application process is complete.” (Ans. 5). Thus, the method disclosed in Kirk-Othmer reads on the claimed method.

Appellant also contends that screen printing results in coatings having a thicknesses of well above 200 μm because the coatings have been pressed through woven mesh of considerable thickness. (Reply Br. 7). However, Appellant has relied on no evidence on the record to support this position. Accordingly, Appellant’s position is based solely on attorney argument. As a result, Appellant’s argument that the presently claimed method is different than the method disclosed in Kirk-Othmer is not persuasive. *See In re Schulze*, 346 F.2d 600, 602 (CCPA 1965).

Appellant argues that the Examiner’s statement that it is conventional to mask a glass surface must be supported by an affidavit and that none of

³ Webster’s Third New International Dictionary Unabridged 524 (1971).

⁴ In fact, Appellant acknowledges that in screen printing, “areas of the screen are blocked off with a non-permeable material to form a stencil.” (Reply Br. 7).

⁵ Webster’s Third New International Dictionary Unabridged 850 (1971).

the cited prior art teaches masking of glass. (Reply. Br. 10). As discussed above, the Examiner cites Kirk-Othmer, which describes covering a surface with a screen stencil (i.e., a masking film) as required by the claim.

Therefore, Appellant's argument is not persuasive.

In addition, Appellant argues that Kirk-Othmer does not teach the ink disclosed in Okamoto may be used in screen printing techniques. (Reply Br. 6). Appellant contends that Kirk-Othmer requires the ink to be milled, which would create randomly sized particles and not the well-defined particles as claimed. (Reply Br. 8). However, Kirk-Othmer is not cited for the specific ink used, but for the screen printing process applied. Moreover, Appellant has not provided any objective evidence that if Okamoto's ink were milled according to Kirk-Othmer's disclosure that particles of randomly various sizes would result. We are unpersuaded by Appellant's argument that Okamoto's ink would not have been used in Kirk-Othmer's screen printing process because particles of randomly various sizes would have resulted from the combination. Further, it is well established that "it is not necessary that the inventions of the references be physically combinable to render obvious the invention under review." *In re Sneed*, 710 F.2d 1544, 1550 (Fed. Cir. 1983).

Appellant also contends that the acrylics taught by Okamoto are chemically different than the claimed polyacrylate because Okamoto's acrylics contain siloxane bonds, which affect the hardness and flexibility of the films. (Reply Br. 8 and 9). Appellant argues that because of this alleged difference, the Examiner has not considered the full teaching of Okamoto. (Reply Br. 17). The Examiner finds that the acrylics of Okamoto are not chemically different than those claimed because Okamoto teaches a

polyacrylate and an isocyanate hardener, which is all that is required to meet the limitations of claim 1. (Ans. 7). We agree with the Examiner that the lacquers in Okamoto meet the limitations of the claims.

Giving the claims their broadest reasonable interpretation in light of the specification, the term “polyacrylate” does not exclude the presence of siloxane bonds. The Specification does not define polyacrylate as excluding the presence of other monomers. (FF 4). In addition, Appellant’s argument with respect to the hardness and flexibility of the films is not relevant, because it does not distinguish the *claimed* polyacrylate lacquers from the prior art.

Appellant also argues that the list of additives in Okamoto recites metallic particles and coloring pigments, which are not the same as the claimed mineral particles. (Reply Br. 10). However, the Examiner cited Calahorra for teaching mineral particles. The additives that Okamoto teaches are an exemplary list, and do not exclude the addition of mineral particles. (FF 8). As stated by the Supreme Court in *KSR*, “any need or problem known in the field of endeavor at the time of the invention and addressed by the patent can provide a reason for combining the elements in the manner claimed.” *KSR*, 127 S. Ct. at 1742. In the instant case, Calahorra teaches the addition of reflective mineral particles to improve heat retention in acrylic coatings on transparent surfaces. (FF 13). Thus, Calahorra provides a reason to add mineral particles to the coatings of Okamoto.

Appellant’s argument that the Examiner has based the rejection of the claimed particle size of the mineral particles on inherency is not persuasive. (Reply Br. 18). The Examiner has provided a specific teaching in Calahorra

with respect to the particle size of the mineral particles in the Answer. (Ans. 5). Appellant has failed to rebut this finding.

Appellant further contends that the average particle diameter claimed refers to the dispersed copolymer in the aqueous dispersion and that because Okamoto discloses particle diameters of 0.01 to 1 μm , there are no larger particles present in Okamoto. (Reply Br. 10). Appellant also argues that because the polyacrylate phase is polar, it would not be possible to disperse mineral particles without obtaining coagulation and precipitation. First, we agree with the Examiner that the particle size of the polymers is not a claimed feature of the invention. (Ans. 7) Additionally, there is no evidence of record to support Appellant's positions. Indeed, Appellant's arguments are inconsistent with the disclosure of Okamoto, which allows for the addition of additives with no required particle sizes. (FF 8). Further, Okamoto discloses that high resin solid concentration leads to aggregation and settling of particles, not individual particle size. (FF 9). The average particle diameters disclosed in Okamoto are convenient ranges, and not required limitations. (FF 9).

Appellant also disputes the Examiner's findings with respect to the thickness of the films disclosed in Okamoto. Appellant argues that the thickness of Okamoto's films coated on glass is 200 μm , which is much greater than the present invention. (Reply Br. 9). The Examiner argues that with respect to the thickness of the coating, that the Examples in Okamoto are illustrative and that the 1-1000 μm range disclosed may be applied to any surface, including glass. (Ans. 7). Appellant acknowledges that Okamoto teaches a 1-1000 μm thickness range, but argues that this range is not disclosed in connection with glass surfaces. (Reply Br. 9). Appellant

also argues that thickness relates to the particle sizes in the lacquer and ensures that the coating is opaque and transparent to light, and further that along with the inclusion of mineral particles, provides for improved light transmission. (Reply Br. 9). However, Appellant does not rely on any objective evidence to support these arguments. Therefore, we are unpersuaded by Appellant's arguments and agree with the Examiner, that the 200 μm thickness disclosed in Okamoto is merely illustrative, and that coatings of 1-1000 μm as disclosed in Okamoto may be applied to glass surfaces. (Ans. 7). This range of thicknesses encompasses the thicknesses claimed by Appellant. *See In re Wertheim*, 541 F.2d 257 (CCPA 1976).

Appellant contends that the amounts of components in Calahorra's coatings are different than the present invention. (Reply Br. 11). We do not find this argument persuasive. Calahorra is relied upon for teaching reflective mineral particles of specific average particle diameters and not for the other features argued by Appellant. Appellant's argued features are disclosed by the other applied prior art references.

In an attempt to rebut the Examiner's *prima facie* case of obviousness, Appellant argues unexpected results in the form of improved light transmission, improved disinfection, and the use of the process for fire resistant glass. (Reply Br. 12-15). The Examiner finds that light transmission and improved disinfection are characteristics that are not in the claims, and in the claim pertaining to fire-resistant glass, this glass is one of three different glasses claimed. (Ans. 8).

Regarding improved light transmission, we agree with the Examiner that this property does not appear in the claims. Appellant additionally argues that this benefit is inherent based on the claimed layer thickness and

particle size. (Reply Br. 14). However, according to Appellant's Specification, improved light transmission appears to be a result of the method of coating, rather than layer thickness and particle size. (*See* FF 2). Therefore, Appellant's argument does not appear to be commensurate in scope with the claim and is not sufficient to overcome the Examiner's *prima facie* case of obviousness.

Regarding improved disinfection, we agree with the Examiner that this property does not appear in the claims. Further, Appellant's Specification indicates that in situations where disinfection is required, an additional layer of lacquer without mineral particles is applied. (FF 3). This additional layer is not present in the claims.⁶ Thus, Appellant's argument is not commensurate in scope with the claims.

Regarding Appellant's arguments pertaining to fire resistant glass, we agree with the Examiner that this is not a required feature in any of the claims, but an alternative feature in two claims.⁷ Thus Appellant's arguments are not persuasive.

The rejection of claim 17 as being unpatentable over Okamoto in view of Calahorra and Kirk-Othmer, further in view of Ellenson.

⁶ Appellant points to a certificate issued by the Commission for Hygiene Safety of Medical-Technical Products and Processes of the German Society of Hospital Hygiene submitted in the German language. This certificate does not conform to 37 C.F.R. § 41.33(c) as it was submitted on or after the filing date of the Appeal Brief, and does not fall under any of the exceptions. Therefore, the certificate has not been considered

⁷ Appellant additionally refers to photographs, however these photographs are also not of record, having not been entered by the Examiner. The photographs have not been considered. See footnote 5 above.

Appellant contends that Ellenson does not teach the removal of isocyanate-cured polyacrylate with halogen hydrocarbons, nor does Ellenson mention any coatings that contain mineral particles. (Reply Br. 12). Appellant argues that the addition of the Ellenson reference does not result in the claimed invention. (Reply Br. 12). The Examiner contends that the removal composition of Ellenson is effective with a wide variety of resin-based coatings including removing acrylic lacquers from glass surfaces. (Ans. 8). We agree with the Examiner. Appellant appears to be arguing that because Ellenson does not particularly disclose the specific acrylic lacquer claimed by Appellant, that claim 17 would not have been obvious to one of ordinary skill in the art. However, the Examiner has provided sufficient reasons why one of ordinary skill in the art would have turned to Ellenson and the halogenated hydrocarbons disclosed therein to remove the coatings of Okamoto in view of Calahorra, applied by the process disclosed in Kirk-Othmer. Appellants have failed to present any evidence sufficient to rebut the Examiner's *prima facie* case of obviousness.

CONCLUSION

In light of the above discussion, Appellant has failed to demonstrate that the Examiner erred in rejecting claims 1, 3, 5, 8, 10-12, 16, 19-25, and 27 under 35 U.S.C. § 103(a) as being unpatentable over Okamoto in view of Calahorra and Kirk-Othmer, and claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Okamoto in view of Calahorra and Kirk-Othmer further in view of Ellenson.

Appeal 2008-2494
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ORDER

The Examiner's decision to reject claims 1, 3, 5, 8, 10-12, 16, 17, 19-25, and 27 under 35 U.S.C. § 103(a) is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR §1.136(a)(1)(iv).

AFFIRMED

tc

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